

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

SEAN P. KYNE and AARON R. MENESES

Date: April 24, 2006

Serial No. : 10/779,405

Examiner: Alyssa Lowen

filed : February 12, 2004

Group Art Unit 3711

For : PACKAGING FOR TOY AND LITHOPHANE COMBINATIONS

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the Office action dated April 10, 2006, Applicants hereby provide an election of invention, and ask that the claims be amended.

Amendments to the Specification	None
Amendments to the Claims	Begin on page 2
Amendments to the Drawings	None
Remarks	Begin on page 6

Listing of Claims:

This listing of claims reflects all claim amendments and replaces all prior versions, and listings, of claims in the application. Material to be inserted is in **bold and underline**, and material to be deleted is in ~~strikeout~~ or (if the deletion is of five or fewer consecutive characters or would be difficult to see) in double brackets [[]].

Please cancel claims 21-23, without prejudice

1. (Original) A toy set, comprising:
 - a) a toy figure depicting a character; and
 - b) a lithophane panel depicting an image.

2. (Original) The toy set of claim 1, where the lithophane panel is configured to function as a base for the toy figure.

3. (Original) The toy set of claim 1, where the depicted image includes the depicted character.

4. (Original) The toy set of claim 1, wherein the toy set is packaged so that both the toy figure and the lithophane panel are visible, and the depicted image may be viewed when backlit.

5. (Original) A packaged toy, comprising:

- a) a backing sheet having at least one aperture;
- b) a toy associated with the backing sheet; and
- c) a lithophane panel associated with the backing sheet;

wherein at least a portion of an image depicted by the lithophane panel is aligned with the aperture so that it is viewable when backlit.

6. (Original) The packaged toy of claim 1, wherein the toy and the lithophane panel are associated with the backing sheet by a substantially transparent cover blister.

7. (Original) The packaged toy of claim 6, wherein the cover blister at least substantially encloses the toy and the lithophane panel.

8. (Original) The packaged toy of claim 5, where the lithophane panel image relates to the toy.

9. (Original) The packaged toy of claim 8, where the toy is a character figure, and the lithophane panel image includes a representation of the figure.

10. (Original) The packaged toy of claim 9, where the lithophane panel is configured to function as a base for the character figure.

11. (Original) The packaged toy of claim 5, including a plurality of toys and lithophane panels associated with the backing sheet, wherein each lithophane panel includes an image, and each lithophane panel is aligned so that at least a portion of each image is viewable when backlit.

12. (Original) The packaged toy of claim 5, further comprising a support blister supporting at least one of the toy and the lithophane panel.

13. (Original) The packaged toy of claim 12, where the lithophane panel is disposed between the backing sheet and the support blister.

14. (Original) The packaged toy of claim 12, where the lithophane panel is disposed between the support blister and a substantially transparent cover blister.

~~13~~ 15. (Currently Amended) The packaged toy of claim 5, further comprising a toy support blister and a lithophane support blister, wherein the lithophane support blister is disposed between the lithophane panel and the backing sheet such that the lithophane panel is supported by both the lithophane support blister and the toy support blister.

~~14~~ 16. (Currently Amended) The packaged toy of claim 5, further comprising a cover sheet having an aperture, wherein the lithophane panel is disposed between the cover sheet and the backing sheet so that at least a portion of the image depicted by the lithophane panel is viewable when backlit.

~~15~~ 17. (Currently Amended) The packaged toy of claim 5, further comprising an indication that the lithophane panel is viewable when backlit.

~~16~~ 18. (Currently Amended) A packaged toy, comprising:

- a) a planar backing sheet having at least one aperture;
- b) a toy figure;
- c) a lithophane panel;
- d) a substantially transparent cover blister that is attached to the backing sheet,

where the cover blister at least substantially encloses the figure and the lithophane panel;

e) a support blister disposed between the cover blister and the backing sheet that is configured to support at least one of the figure and the lithophane panel;

wherein at least a portion of an image depicted by the lithophane panel is aligned with the aperture so that it is viewable when backlit.

~~18~~ 19. (Currently Amended) The packaged toy of claim ~~16~~ 18, wherein the lithophane panel image includes a representation of the figure.

~~18~~ 20. (Currently Amended) The packaged toy of claim ~~16~~ 18, wherein the support blister is disposed between the backing sheet and the lithophane panel.

21-23. (Canceled)

REMARKS

The above amendments and these remarks are responsive to the Office action dated April 10, 2006. Claims 1-23 are pending in the application. In the Office action, the Examiner required restriction of the pending claims under 35 U.S.C. § 121.

Amendments to the Claims

The Applicants have amended the claims to correct a typographic error in the claim numbering. Initial claims 1-14 are unchanged. Subsequent claims 13-21 are renumbered as claims 15-23. Claims 1-23 are pending in the application. Applicants regret any confusion this error may have caused.

Restriction Requirement

The Examiner has required restriction of the pending claims to one of the following inventions:

Group I. Claims 1-18, drawn to a packaged toy set

Group II. Claims 19-21, drawn to a method of packaging


The Examiner suggests the inventions are distinct, because they are related as process of making and product made, and the product as claimed can be made by a materially different process. Applicants disagree, but in the interest of furthering the prosecution of the application, hereby elect the invention of Group I, without traverse.

Consistent with their election of Group I, Applicants have canceled renumbered claims 21-23, without prejudice. Applicants reserve the right to pursue the subject matter of the canceled claims in a continuing application.

Applicants believe that the instant application is now in condition for examination, and request the examination of the claims on their merits. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned agent of record.

CERTIFICATE OF ELECTRONIC
TRANSMISSION

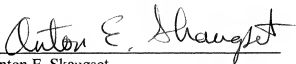
I hereby certify that this correspondence is being filed electronically via the EFS-Web system at www.uspto.gov on April 24, 2006.



Suzanne Lukas-Werner

Respectfully submitted,

KOLISCH HARTWELL, P.C.



Anton E. Skaugset
Registration No. 38,617
Customer No. 23581
Attorney/Agent for Applicant(s)/Assignee
520 S.W. Yamhill Street, Suite 200
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 295-6679